In the High Court for the States of Punjab and Haryana, at Chandigarh.

R.S.A.No.314 of 2007 (O&M)
Decided on February 01,2007

Pritam Singh ---Appellant

vs.

Manjeet Singh and another ---- Respondents.

Present: Mr. Avnish Mittal, Advocate,for the appellant.

Pritam Pal,J:(Oral)

This appeal by defendant/appellant,(hereinafter referred to as the 'defendant'), is directed against judgments and decrees dated December 12, 2005, passed by Civil Judge (Senior Division), and December 02,2006, by learned Additional District Judge, Muktsar,whereby, the suit of the respondents/plaintiffs (hereinafter referred to as 'the plaintiffs'), for possession of the site measuring 3 marlas, as detailed in the head note of the plaint, was decreed and the appeal filed by the defendant was also dismissed.

Without going into details, suffice it to say that the disputed property is only 3 marlas of site and the same is proved to have fallen to the share of the plaintiffs in a family settlement. Admittedly, the plaintiffs and the defendant are descendants of their common ancestor ,namely, Arjan Singh. It is also well proved on the file that the plaintiffs had become owners of the disputed property through a decree passed way back in the year 1972. Thereafter, mutation was also sanctioned in their favour. The assertion made by the

plaintiffs has been duly proved by the family settlement incorporated in the judgment Ex.P-11 and decree Ex.P-12 and the entries in the revenue record in Exs. P1 to P-23. No doubt, during the course of discussion on issue Nos. 1 and 2, the learned trial Court had, at one stage, observed that the plaintiffs are proved to be owners in possession of the suit property,but it appears to have been held so inadvertently inasmuch as that while passing the impugned judgments and decrees , it has been categorically held that the suit of the plaintiffs for possession of the disputed property , is decreed. Both the Courts below are in *unison* while holding that the plaintiffs are owners of the suit property and as such, they are held entitled to possession of the same.

Taking an over-all view of the matter, I find no perversity in the concurrent findings arrived at by both the Courts below on issue Nos. 1 and 2. Moreover, learned counsel for the defendant also could not make out any substantial question of law for consideration in this appeal. Hence, this appeal is hereby dismissed in *limine*.

February 01,2007 (Pritam Pal)
RR Judge